

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DON JUAN BUTLER,

Plaintiff,

v.

Case No. 10-CV-653

SGT. MEYERS, MR. LEEMAN,
MR. LAWLER, MR. HENDERSON,
SGT. DICKAU, and MR. HOLT,

Defendants.

ORDER

On July 5, 2011, the plaintiff filed a motion to subpoena witnesses. He seeks to subpoena three individuals who are alleged key witnesses in this case. However, the dispositive motion filing deadline is September 30, 2011. Thus, at this stage of the proceedings, the plaintiff's motion is premature. If the case survives summary judgment and is scheduled for trial, the plaintiff may renew his motion. Hence, the motion will be denied without prejudice.

Next, the plaintiff has filed a letter to the court in which he asserts that the court wrongly decided his April 21, 2011, motion to compel discovery. The plaintiff states he "sent proof that he asked defendants for requested discovery (letter to defendants) and also sent judge a statement stating how he tried to obtain discovery but defendants still refused." (Plaintiffs' Letter to the Court Filed July 5, 2011, at 1). He also asserts that the defendants' assertion that they do not have control over certain discovery he seeks is false. The court will construe the plaintiff's motion as a motion for reconsideration of its order of

June 28, 2011, denying his April 21, 2011, motion to compel discovery, his fourth such motion filed in this case.

In that motion, the plaintiff sought answers to three interrogatories he claimed the defendants failed to answer from prior requests for interrogatories and failed to produce documents despite his repeated requests for production. Upon consideration of the plaintiff's motion to compel discovery, the court reviewed the plaintiff's interrogatories and requests for production of documents, as well as the defendants' responses to the discovery requests. (Court's Order of June 28, 2011, at 3-5). Based on that review, the court found that the defendants properly and reasonably responded to the plaintiff's discovery requests. (Court's Order of June 28, 2011, at 5).

The court has reviewed and reconsidered its prior order denying the plaintiff's April 21, 2011, motion to compel discovery. Based on its review, the court concludes that the order was properly decided and, therefore, the plaintiff's motion for reconsideration of the court's denial of his motion to compel will be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the plaintiff's motion to subpoena witnesses be and hereby is **denied without prejudice**. (Docket #65)

IT IS FURTHER ORDERED that the plaintiff's letter of objection be and hereby is **denied**. (Docket #67)

Dated at Milwaukee, Wisconsin this 3rd day of August, 2011.

BY THE COURT:

s/Patricia J. Gorence
PATRICIA J. GORENCE
United States Magistrate Judge